

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

WILLIAM RYAN and JOHN J. SHAUGHNESSY,  
as they are TRUSTEES, INTERNATIONAL UNION  
OF OPERATING ENGINEERS LOCAL 4 HEALTH  
AND WELFARE, PENSION AND ANNUITY FUNDS,  
and LOUIS G. RASETTA and CHRISTOPHER  
BARLETTA, as they are TRUSTEES, HOISTING AND  
PORTABLE ENGINEERS LOCAL 4 APPRENTICE  
AND TRAINING FUNDS and INTERNATIONAL  
UNION OF OPERATING ENGINEERS, LOCAL 4,  
Plaintiffs

vs.

MKM SITE DEVELOPMENT CORP.,  
Defendant

C.A. No. 03-12248 RWZ

**PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT JUDGMENT  
AGAINST MKM SITE DEVELOPMENT CORP.**

Now come the Plaintiffs (hereinafter, the "Funds"), and request the Clerk, pursuant to Rule 55(b)(1), Fed.R.Civ.P., to enter default judgment in favor of the Funds and against Defendant MKM Site Development Corp. (hereinafter "MKM"), holding MKM liable for all unpaid contributions owed to the Funds, together with interest, statutory liquidated damages, and reasonable attorneys' fees and costs as follows:

- |    |  |             |
|----|--|-------------|
| A. | Principal owed to the Funds through October, 2003  | \$68,673.33 |
| B. | Prejudgment interest on the unpaid contributions, as mandated by 29 U.S.C. §1132(g)(2)(B), if all contributions were paid by the end of June, 2004 | \$6,406.45  |
| C. | Liquidated damages as mandated by 29 U.S.C. §1132(g)(2)(C)(i)  | \$6,406.45  |

D.	Attorneys' Fees as mandated by §1132(g)(2)(D)	\$717.00
E.	Costs	\$257.55
	<b>TOTAL</b>	<b>\$82,460.78</b>

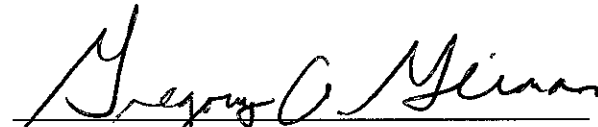
As grounds therefore, Plaintiffs state that default has been entered against Defendant for failure to answer or otherwise defend as to the Complaint of the Plaintiffs. Plaintiffs' claim is for a sum certain. Finally, Defendant is neither an infant nor an incompetent person.

WHEREFORE, Plaintiffs respectfully request that default judgment be entered against MKM Site Development Corp.

Respectfully submitted,

WILLIAM RYAN and JOHN J.  
SHAUGHNESSY, as they are TRUSTEES,  
INTERNATIONAL UNION OF  
OPERATING ENGINEERS LOCAL 4  
HEALTH AND WELFARE FUND, et al,

By their attorneys,



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Dated: June 24, 2004

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the  
above document was served upon the  
~~party~~ of record for each other party  
by mail and on 6/24/04

